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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/602,146
Filing Date: June 24, 2003
Appellant(s): LEE ET AL.

David J. Glaskey
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/28/2009 appealing from the Office action mailed 04/28/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6950990	Rajarajan et al.	9-2005
20020093537	Bocioned et al.	7-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 8-10, 12-23, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajarajan et al. (US6950990, hereinafter Rajarajan) in view of Bocioned et al. (US20020093537, hereinafter Bocioned).

As to claims 1, 8, 9, 12, 18,

Rajarajan shows a method for displaying Web-based pages on a display device; one or more corresponding computer-readable media comprising computer executable instructions that, when

executed, direct a computer; and a corresponding system, comprising a memory comprising a set of computer-executable instructions and a processor coupled to the memory, the processor configured to execute the computer-executable instructions that, when executed, direct a computer; (e.g., see abstract) said method, said corresponding computer-readable media, and said corresponding system comprising:

displaying Web-based pages on a display device (column 2, lines 58-66), each Web-based display page comprising:

a first area (figure 5, element 506) that provides an ordered (Applicant fails to define this term, thus Examiner interprets this as "logical or comprehensible") list of user-selectable tasks (e.g., controls) associated with performing provisioning hardware resources (e.g., "objects relating to specific hardware units") in order to organize said compute hardware resources into a network (e.g., the hardware API is controlled by the user interface to "allow communication between the resource itself and a separate computer system" thus creating a network)(column 15, lines 2-11; column 8, lines 15-36), wherein provisioning hardware resources comprises configuring physical links or service channels among network elements (col. 11, l. 26-41; col. 37, l. 51-60; col. 38, l. 20-30) (e.g., an active directory plugin includes an explorer tool which may, for example, add, edit, activate, and/or deactivate, a user object email account -- e.g., physical link or service channel---, and the user objects may additionally include servers, databases, hosting, etc);

and a second area (figure 5, element 504) containing at least one of display information and parameter fields associated with a particular one of the user-selectable tasks, such that when a particular one of the user-selectable tasks is selected from the first area, the at least one of the information and parameter fields necessary to complete operations associated with the particular one of the user-selectable tasks are presented in the second area (column 15, lines 12-21).

Rajarajan fails to specifically show: said first area containing a graphical workflow indicator.

In the same field of invention of web page navigation of task oriented processes, Bocioned teaches: a user interface supporting navigation and concurrent application operation. Bocioned further teaches: Subtasks being implemented within corresponding tabbed web task pages, visible tabs (e.g., tabs are a form of controls) being associated with each individual tabbed subtask web page and

incorporating an identifier (i.e., graphical workflow indicator) identifying the function provided by the subtask web page (page 3, paragraph [0026], lines 1-4).

Thus, it would have been obvious to one of ordinary skill in the art, having the teachings of Rajarajan and Bocioned at the time that the invention was made, to have combined the subtasks being implemented within corresponding tabbed web task pages, visible tabs being associated with each individual tabbed subtask web page and incorporating an identifier identifying the function provided by the subtask web page of Bocioned with the method, corresponding computer-readable media, and corresponding system as taught by Rajarajan.

One would have been motivated to make such combination because a way to simplify network implementation of business to business and business to consumer interaction for commercial transactions and **other purposes** would have been obtained and desired, as expressly taught by Bocioned (page 2, paragraph [0016], lines 12-14).

As to claims 2, 10, 13, 19, Bocioned shows:

Wherein each of the user-selectable tasks contains a hypertext link to a particular one of the pages to enable a user to navigate through the ordered list of user selectable tasks associated with performing the provisioning of the network (abstract, lines 15-18).

As to claims 3, 14, 20:

Rajarajan and Bocioned show a method, corresponding computer-readable media, and corresponding system substantially as claimed, as specified above.

Bocioned further shows: Wherein the graphical workflow indicator includes an alphabetic indicator (e.g., nomenclature within the tab, for example, "BROWSE", "SEARCH") that specifies (i) which user-selectable task is currently selected by the user, and (ii) where within the ordered list the user-selectable task falls (page 4, paragraph [0029], lines 8-14).

Rajarajan and Bocioned fail to specifically show: the graphical workflow indicator includes a **numeric** indicator.

However these differences are only found in the nonfunctional descriptive material and do not alter how the indicator functions (i.e., the nonfunctional descriptive material does not prevent the indicator from specifying steps i and ii). Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

As to claims 4, 15, 21:

Rajarajan and Bocioned show a method, corresponding computer-readable media, and corresponding system substantially as claimed, as specified above.

Bocioned further shows: Wherein the display information includes a map (page 1, paragraph [0004], lines 14-16).

Rajarajan and Bocioned fail to specifically show: Wherein the display information includes a map of a network.

However these differences are only found in the nonfunctional descriptive material and do not alter how the map is displayed (i.e., the nonfunctional descriptive material does not reconfigure the display). Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

As to claims 5, 16, 22, Rajarajan shows:

wherein the parameter fields are configured to display information entered by a user (column 15, lines 12-21).

As to claims 6, 17, 23, Rajarajan shows:

Wherein the parameter fields (figure 5, element 504 is a form) are configured to provide locations to receive information entered by a user, the information being appurtenant to the user-selectable task (column 15, lines 12-21).

As to claims 25, 26, 27, 28:

Comprising accepting user input and responsively performing the provisioning (col. 11, l. 26-41; col. 37, l. 51-60; col. 38, l. 20-30) (e.g., a plug in may be accessed which may, for example, add, edit, activate, and/or deactivate, a user object email account).

Claims 7, 11, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajarajan in view of Bocioned, further in view of Raymond (US7010593).

As to claim 7, 11, 24:

Rajarajan and Bocioned shows a method, corresponding computer-readable media, and corresponding system substantially as claimed, as specified above.

Rajarajan further shows: a console including a tool bar and three zones (figure 12, column 28, lines 30-33) and parameters being extrapolated, by the framework from the context of the user interface when a particular script is invoked (column 21, lines 64-67).

Rajarajan and Bocioned fails to specifically show: further comprising displaying a third area simultaneously with the first and second areas, the third area including at least one tip presented to a user to assist in completing one of the user-selectable tasks selected by the user.

In the same field of invention, Raymond teaches: method for dynamically providing information that is relevant to a particular problem to an administrator (abstract, lines 1-3). Raymond further teaches: a problem event being received; contextual instructions pertinent to troubleshooting the type of problem event received being generated; contextual diagnostic data pertinent to the type of problem event being generated; said instructions and diagnostic data being displayed to the network administrator on a display

device for network administrator viewing (figure 7, column 19, line 65 through column 19, line 9); and a view window having a plurality of data windows for facilitating optimal display of display space (figure 13, column 21, lines 34-45), and including instructions (e.g., tips) displayed in a data display window (column 27, line 10-14).

Thus, it would have been obvious to one of ordinary skill in the art, having the teachings of Rajarajan, Bocioned and Raymond at the time that the invention was made, to have combined the a problem event being received; contextual instructions pertinent to troubleshooting the type of problem event received being generated; contextual diagnostic data pertinent to the type of problem event being generated; said instructions and diagnostic data being displayed to the network administrator on a display device for network administrator viewing; and a view window having a plurality of data windows for facilitating optimal display of display space, and including instructions (e.g., tips) displayed in a data display window of Raymond with the method, corresponding computer-readable media, and corresponding system as taught by Rajarajan and Bocioned.

One would have been motivated to make such combination because a way to decrease the likelihood that an administrator will misdiagnose a problem in the evaluation of a network problem event would have been obtained and desired, as expressly taught by Raymond (column 2, lines 48-52).

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

(10) Response to Argument

Appellant's arguments have been fully considered but are not persuasive. Examiner reiterates that references to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Appellant argues:

a) Applicant respectfully submits that it is not a reasonable interpretation of the Rajarajan reference to consider the software email account and the use of that in the Rajarajan reference as

provisioning hardware resources or as configuring physical links or service channels among network elements. Instead, the Rajarajan reference makes it clear that it considers the email account features of that reference to be software, not hardware. Therefore, the proper interpretation of Rajarajan's use of the email account and associated software is not provisioning hardware resources and is not configuring a physical link or a service channel among network elements (page 4, last paragraph).

Assigning an email address, for example, does not configure a physical link. At best, it associates an address with an email application (i.e., software) associated with a particular user device. The teachings of the Rajarajan reference do not constitute provisioning hardware by configuring a physical link or service channel (page 5, last paragraph).

Examiner disagrees.

As Appellant acknowledges, Rajarajan teaches associating and email address with an email application associated with a particular user device (i.e., hardware). One of ordinary skill in the art would readily understand that associating an email application with a particular [hardware] device "allow communication between the resource itself and a separate computer system". Thus, Rajarajan clearly teaches provisioning hardware (e.g., the hardware device) by configuring a service channel (e.g., a configuring a channel through which the hardware device can communicate).

Further, Rajarajan (col. 8, l. 15-24) teaches computer resources being managed by a network administrator, a resource involving software or hardware components, a resource including a resource API, said resource API allowing communication between the resource itself and a separate system, said resource API facilitating management of the resources.. Thus, again, one of ordinary skill in the art would readily recognize that Rajarajan clearly teaches provisioning hardware by configuring a physical link or service channel.

Appellant argues:

b) The Examiner cites, as an example, the In re." Lowry decision in support of the nonfunctional descriptive material basis for the rejection. The In t'e: Lowry decision, however, makes it clear that such a rejection is inappropriate for a case such as this. As explained by the Court of Appeals for the Federal

Circuit, "the printed matter cases have no factual relevance where there 'the invention as defined by the claims requires that the information be processed not by the mind but by a machine, the computer.'" In re: Lowry, 32 U.S.P.Q. 2d, 1031, 1034 (Fed. Cir. 1994).

Claims 4, 15 and 21 all require operation by a computer. Therefore, a printed matter or non-functional descriptive material rejection cannot be made in this case. Additionally, Appellant's claim limitations are more than non-functional descriptive material. Either way, the rejection must be reversed. There is no prima facie case of obviousness because the Examiner admits that the art does not teach all the limitations of the claims (page 6, penultimate and last paragraphs).

Examiner disagrees.

The "network" map recited in claim 4 would need to be processed by the human mind, not the computer. In other words, the decision of what is a map of a "network", as supposed to any other kind of map, would fall to a human being, not the computer. As already stated in the rejection of claim 4, nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Appellant argues:

c) In the decision on Appellant's Pre-Appeal Brief Request for Review, the Examiner did provide further comments regarding claims 4, 15 and 21. The Examiner stated that the Bocioned reference teaches a map of a network because Figure 5 shows different print options for a printer at 5l 7. The Examiner contends that the printer icons on the display of figures teaches a map of network dements, Appellant respectfully disagrees.

The display in the Bocioned reference Figure 5 shows several icons of different printers that a user could select. There is no way in which those icons display any information that constitutes a map of a network. There is no indication of location for those printers or any links or connections between those printers and any other alleged network element. It is not a reasonable interpretation of Figure 5 of the Bocioned reference as displaying a map of a network. It does not provide any network map information

consistent with how a network map is understood by one skilled in the art. There is no basis for the rejection because the display information that includes a map of the network as recited in Appellant's claims cannot be found in the references (page 7, first and second paragraphs).

Examiner disagrees.

Bocioned (fig. 5) does indicate of location for a printer 517, for example, Vendor AAA (element 519) and links or connections between printer 517 and other network element, for example, the computer displaying fig.5 and a selected vendor's computer 519, between a selected vendor 519 and a printer 517, etc. Thus, there is basis for the rejection because the display information that includes a map of the network as recited in Appellant's claims indeed can be found in the references.

Appellant argues:

d) It cannot be considered obvious to add the missing limitations into the proposed combination. There would be no benefit to adding provisioning hardware comprising configuring physical links or service channels among network elements to either of the Rajarajan or Bocioned references. Neither of those references have anything to do with setting up physical hardware including configuring links or service channels between them. Therefore, adding that to the proposed combination would not provide any benefit because it doesn't have may usefulness in the context of the proposed combination. Without any benefit or usefulness, the legally required reason for making the combination is missing and there is no basis for adding that to the proposed combination to somehow try to manufacture ap1"imaJbcie case of obviousness (page 7, last paragraph).

Examiner disagrees.

As stated above, Rajarajan (col. 8, l. 15-35) teaches computer resources being managed by a network administrator, a resource involving software or hardware components, a resource including a resource API, said resource API allowing communication between the resource itself and a separate system, said resource API facilitating management of the resources, and the resources being printers and workstations, among others. Bocioned (fig. 5) teaches a workstation displaying a printer 517 connected to

selected vendor 519's computer. One of ordinary skill in the art would have, having the teachings of Rajarajan and Bocioned, naturally seen the benefit and usefulness of combining the two.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jordany Núñez/

Examiner, Art Unit 2175

Conferees:

/William L. Bashore/

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/Kieu Vu/

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